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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/085,574      | 02/27/2002  | Monte Dilliner       | 25690-901           | 8917             |

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Bruce J. Wolstoncroft, Esquire  
Barley, Snyder, Senft & Cohen, LLC  
126 East King Street  
Lancaster, PA 17602

EXAMINER

ELKASSABGI, HEBA

ART UNIT PAPER NUMBER

2834

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/085,574

Applicant(s)

DILLINER, MONTE 

Examiner

Heba Elkassabgi

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10085574.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5 and 7 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 4, and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 2,3, and 4 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In Claim 2, " timing mechanism" in line 8 is not described in the specification. . Examiner will interpret the "timing mechanism" as timing assembly. In Claim 3, "plunger mechanism" in line 11 is not described in the specification. In Claim 4, "timing mechanism" in line 8 is not described in the specification.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (U.S. Patent 5627419) and further in view of Pankratz (U.S. Patent 4517477).

5. Miller discloses in Column 2 Paragraph 4 lines 33-44, a rotor attached to a shaft t having a plurality of rotor magnets with a drive magnet hub (stator) that can be located inside the rotor and is laterally moveable onto and out of the rotor along the shaft in order to control the angular torque caused by the electromagnetic force. However, Miller does not disclose a drive magnet hub having a plurality of drive magnets and magnet coils wound around the magnets.

6. Pankratz illustrates in Figure #6 a drive magnet hub (stator) having a plurality of drive magnets (stator magnets) (72) with magnetic coils (73) being wound longitudinally, the force field of the drive magnet (stator magnet) can be nullified by passing electrical current through the magnetic coil that is encasing the magnet.

7. It would have been obvious to one skilled in the art to combine the reference of Miller with Pankratz in order to nullify by passing electrical current through the magnetic coil that is encasing the magnet.

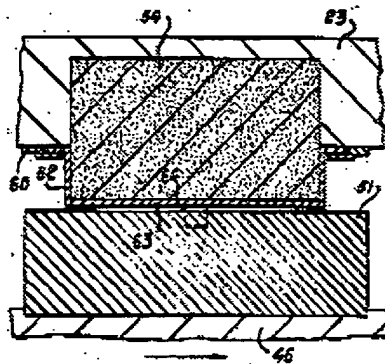
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8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (U.S. Patent 5627419) and further in view of Pankratz (U.S. Patent 4517477) and Jines et al. (U.S. Patent 3469130).

9. Miller discloses in Column 2 Paragraph 4 lines 33-44, a rotor attached to a shaft t having a plurality of rotor magnets with a drive magnet hub (stator) that can be located inside the rotor and is laterally moveable onto and out of the rotor along the shaft in order to control the angular torque caused by the electromagnetic force. However, Miller does not disclose a drive magnet hub having a plurality of drive magnets and magnet coils wound around the magnets and a rotor having rotor magnets recharge plates mounted on opposite sides of the magnet.

10. Pankratz illustrates in Figure #6 a drive magnet hub (stator) having a plurality of drive magnets (stator magnets) (72) with magnetic coils (73) being wound longitudinally, the force field of the drive magnet (stator magnet) can be nullified by passing electrical current through the magnetic coil that is encasing the magnet. However, Miller and Pankratz do not disclose a rotor magnet recharge plate around the poles of the magnet.

11. Jines et al. Illustrates in Figure #7 rotor magnets (54) with rotor magnet recharge plates (shield)(62 and 64) surrounding the magnet on opposite sides of the magnet poles, for the purpose of drawing the rotor further into a circular path of the desired course.



12. It would have been obvious to one skilled in the art to combine the reference of Miller with Pankratz and Jines et al., in order to nullify by passing electrical current through the magnetic coil that is encasing the magnet and drawing the rotor further into a circular path of the desired course.

#### ***Allowable Subject Matter***

13. Claims 2,3,4, and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heba Elkassabgi whose telephone number is (703) 305-2723. The examiner can normally be reached on M-Th (6:30-3:30), and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

HYE  
June 14, 2002



NESTOR RAMIREZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800